

MICHAEL G. O'NEILL
ATTORNEY AT LAW

Via ECF Only

May 20, 2011

Honorable Dennis R. Hurley
United States District Judge
United States District Court, Eastern District of New York
Long Island Courthouse, 100 Federal Plaza
Central Islip, NY 11722

Re: Paladino v. DHL Express
07-CV-1579 (DRH)(ARL)

Dear Judge Hurley:

I represent the plaintiff and I am writing to request leave to withdraw plaintiff's motion for reconsideration of the Court's order requiring plaintiff to post a bond on appeal for defendant's costs.

I am also requesting that the Court modify the terms of its April 8, 2011 order requiring plaintiff to post a bond for costs to give additional time to plaintiff to post that bond. Plaintiff has informed me that he can put aside several hundred dollars a month toward the bond. I will put that money in my trust account, and when plaintiff has provided me with the required amount, I will have the bond posted. I am asking the Court to give plaintiff up to 12 months to post that bond.

There will be no prejudice to defendant. I have already stipulated to hold the underlying appeal on hold until such time as the bond issue is resolved. In addition, as Your Honor may know, plaintiff has filed an appeal of the Court's April 8, 2011 order. If that order is modified as requested, plaintiff is willing to withdraw that appeal, which will reduce the costs of litigation for all parties.

Defendant does not object to plaintiff withdrawing his motion for reconsideration. I have asked defendant to stipulate to give plaintiff additional time to post the appeal bond, and it has refused to do so.

I appreciate the Court's consideration of the foregoing.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "M O'Neill", is written over a faint, larger blue ink signature that appears to read "M O'Neill".